



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
|-----------------|-------------|----------------------|---------------------|------------------|

09/891,380

06/27/2001

Karin Axelsson

006917.00010

2566

22907

7590

06/29/2006

BANNER & WITCOFF

1001 G STREET N W

SUITE 1100

WASHINGTON, DC 20001

EXAMINER

RAMAN, USHA

ART UNIT

PAPER NUMBER

2623

DATE MAILED: 06/29/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/891,380

Applicant(s)

AXELSSON ET AL.

Examiner

Usha Raman

Art Unit

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 April 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 5-19 and 21-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-19, 21-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Response to Arguments

1. Applicant's arguments filed April 14th, 2006 have been fully considered but they are not persuasive.

Applicant's arguments stating that, "Alexander discusses the use of e-mail in a general way, there is no indication of receiving or transmitting notifications at all, and therefore there is no indication for using SMS for transmitting alert messages" have been noted. However, the step of receiving recommendations from remote users at a location having Internet connectivity has been specifically taught by Haken. See Haken: [0008] and [0039]. As a result, the examiner maintains rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-3, 5-19, 21-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alexander et al. (US Pat. 6,177,931) in view of Haken (US Pre Grant Pub. 2004/0008972).

In regards to claims 1, 29, 30, 31, Alexander discloses an electronic program guide system (see Alexander: fig. 1 unit 10 Electronic Program Guide display) comprising:

Receiving means (television receiver) for receiving at least one electronic program guide corresponding to a broadcast program (see Alexander: col. 3 lines 3-6,

Selecting means (remote control 26) for selecting a desired program from said electronic program guide (see: fig. 2, col. 3 lines 21-35),

Notification means for creating a notification for the program selected from said electronic program guide (see: col. 14 line 47- col. 15 line 31, col. 7 lines 58-62)

Communication means (means for accessing the Internet) for access to a communications network (see col. 13 lines 36-39

Reception means for receiving a notification from a remote electronic program guide system (i.e. the Internet-enabled remote electronic guide system as described above is interpreted to be a reception means for receiving a notification from the electronic program guide).

While , Alexander discloses that the EPG system is configured to use the internet to send and receive messages, such as e-mail (see Alexander: col. 13 lines 36-39, col. 14 lines 53-55), Alexander does not disclose the step of transmitting a notification of the program selected from the EPG to at least one remote program guide system using the communication network.

Haken discloses the step of transmitting a notification of program selected from EPG (i.e. program recommendations made from EPG at PTR 100) to a remote program guide system (schedule server, 400) in order to communicate program recommendations to other PTR users, as well as schedule remote recordings. See Haken: [0008], [0033], [0039]. Examiner further takes official notice that, it was well

known in the art at the time of the invention to transmit and receive SMS messages to and from a hand held device such as a PDA.

It would have been obvious to one of ordinary skill in the art to modify the system of Alexander in view of Haken by transmitting a notification of program selected from EPG (program recommendations) to a remote program guide system, in order to communicate the program recommendations to other users such as friends and family using the SMS to a mobile handset such as a PDA.

In regards to claim 2, Alexander discloses communication means is a network modem (see Alexander: col. 8 lines 44-49).

In regards to claim 3, the system further comprises authorization means (i.e. comparing recommendations for flagged user names) or for determining if a notification received originated within an authorized remote electronic program guide system. See Haken: [0032], [0034]

In regards to claim 5, the limitation of claim 5 is analyzed and rejected as described above with reference to the rejection of Claim 4.

In regards to claim 6, the notification includes information indicating the program selected from said electronic program guide. See Alexander: col. 14 lines 47- 53.

In regards to claim 7, the notification includes recording parameters for the program selected from said electronic program guide. See Alexander: Col. 14 lines 54-57.

In regards to claim 8, the authorization means further are arranged to authorize recording of the program selected from said electronic program guide if a notification received originated within an authorized remote electronic program guide system.

See Haken: [0034]

In regards to claim 9, the notification includes information indicating the program selected from said electronic program guide and recording parameters for the program selected from said electronic program guide. See Alexander: col. 14 lines 49-55

In regards to claim 10, the system comprises means for generating recording instructions to a recording device associated with said electronic program guide system based on said notification. See Haken: [0036]

In regards to claim 11, the user input means for obtaining user acceptance of said notification before generating the recording instructions. See Alexander: col. 14 lines 54-58.

In regards to claim 12, the system comprises the step of transmitting a notification of the program selected from said electronic program guide to a plurality of remote electronic program guide systems (via schedule server 400 to plurality of PTRs). See Haken: [0031].

In regards to claim 13, the electronic program guide system is incorporated in an integrated receiver decoder. See Alexander: col. 3 lines 3-7.

In regards to claim 14, the electronic program guide system is incorporated in a set-top box. See Alexander: col. 3 lines 3-7.

In regards to claim 15, the electronic program guide system is incorporated in a mobile handset (PDA). See Haken: [0039].

In regards to claim 16, the electronic program guide system is incorporated in a television receiver. See Alexander: col. 3 lines 3-7.

In regards to claim 17, the electronic program guide system is incorporated in a mobile display appliance (PDA). See Haken: [0039].

In regards to claim 18, the limitations of Claim 18 fall within the limitation of Claim 1. Claim 18 is analyzed and rejected as shown above in reference to Claim 1. Claim 18 further requires: browsing the electronic program guide for identification of a program of interest', Alexander teaches a user navigating through an electronic program guide to identify a program of interest. See Alexander: col. 4 lines 49-56.

In regards to claim 19, the limitations of Claim 19 fall within the limitation of Claim 3. Claim 19 is analyzed and rejected with respect to Claim 3.

In regards to claim 21, the limitations of Claim 21 fall within the limitation of Claim 5. Claim 21 is analyzed and rejected with respect to Claim 5.

In regards to claim 22, the limitations of Claim 22 fall within the limitation of Claim 8. Claim 22 is analyzed and rejected with respect to Claim 8.

In regards to claim 23, the limitations of Claim 23 fall within the limitation of Claim 10. Claim 23 is analyzed and rejected with respect to Claim 10.

In regards to claim 24, the limitations of Claim 24 fall within the limitation of Claim 10. Claim 24 is analyzed and rejected with respect to Claim 10.

In regards to claim 25, the limitations of Claim 25 fall within the limitation of Claim 11. Claim 25 is analyzed and rejected with respect to Claim 11.

In regards to claim 26, the limitations of Claim 26 fall within the limitation of Claim 12. Claim 26 is analyzed and rejected with respect to Claim 12.

In regards to claim 27, the limitations of Claim 27 fall within the limitation of Claim 1. Claim 27 is analyzed and rejected accordingly with reference to Claim 1. Claim 27 further requires'.

A computer program product stored on a computer readable storage medium, comprising computer readable program code means for causing a computer to perform the limitations of the claim. It is interpreted that the Electronic program guide system as taught by Alexander is implemented in a software wherein a computer program product stored on a computer readable storage medium, comprising computer readable program code means for causing a computer to perform the limitation of the claim. Alexander teaches the television electronic program system of the invention is capable of connecting to the Internet and emulate the functions of a computer. See Alexander: col. 8 lines 55-60. Also see Haken: [0036]-[0037]. Since the television system of Alexander functions as a computer with the capability of accessing the Internet, it is interpreted that the functions of the Electronic program guide to carry out the limitation of the claim is implemented in a software system.

In regards to claim 28, the claim is analyzed and interpreted as shown above with reference to Claim 27. It is interpreted that the software program to carry out the limitation is a computer program product directly loadable into the internal memory of

Art Unit: 2623

a digital computer comprising software code portions for performing the limitations of the claim.

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

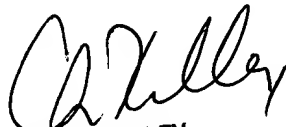
5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Usha Raman whose telephone number is (571) 272-7380. The examiner can normally be reached on Mon-Fri: 9am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Kelley can be reached on (571) 272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2623

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

UR



CHRIS KELLEY
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600